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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,124	11/19/2003	Corydon Joseph Boyan	10030882-1	9103
7590 06/24/2005 AGILENT TECHNOLOGIES, INC. Intellectual Property Administration Legal Department, DL 429 P.O. Box 7599 Loveland, CO 80537-0599			EXAMINER LAU, TUNG S	
			ART UNIT 2863	PAPER NUMBER
DATE MAILED: 06/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,124

Applicant(s)

BOYAN ET AL.

Examiner

Tung S. Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- a. Claims 1-3, 5-9, 11-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Katayama (U.S. Patent 5,075,618).

Regarding claim 1:

Katayama discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (fig. 5a); marking a stop frequency with the band marker (fig. 5a, unit zso); marking a center frequency between the start frequency and the stop frequency (fig. 5c, zco), wherein the start frequency the stop frequency and the center frequency are simultaneously marked by the band marker (fig. 5a, unit zso, zco); and, performing the function on a bandwidth of the signal between the start frequency and the stop frequency (abstract).

Regarding claim 7:

Katayama discloses discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (fig. 5a), the band marker, demarking a bandwidth of the signal simultaneously by marking a start frequency of the bandwidth (fig. 5a, unit zso), stop frequency of the bandwidth

Art Unit: 2863

and a center frequency of the bandwidth (fig. 5a, unit zs0); wherein the electronic instrument performs a function on the bandwidth of the signal between the start frequency and the stop frequency (abstract).

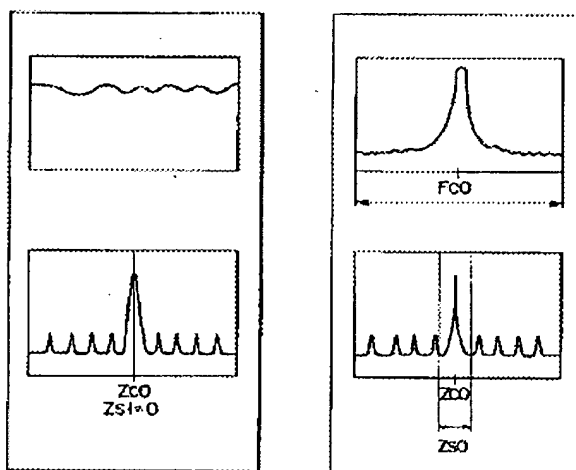


FIG. 5C

FIG. 5A

Regarding claim 14:

Katayama discloses an electronic instrument, comprising: an input means for receiving selections from a user (abstract); and, a display means for displaying a signal and a band marker (fig. 5a), the band marker demarking a bandwidth of the signal by simultaneously marking start frequency of the bandwidth (fig. 5a, unit zso), stop frequency of the bandwidth (fig. 5a, unit zso) and center frequency of the bandwidth (fig. 5a, unit zco).

Regarding claims 2, 6, 8, 13, 15, 20, Katayama further discloses a band power (fig. 12, unit 8b, 8a, 2); Regarding claims 3, 9, 16, Katayama further discloses the

start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and (fig. 5a, unit zs0), wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line (fig. 5a, unit zso).

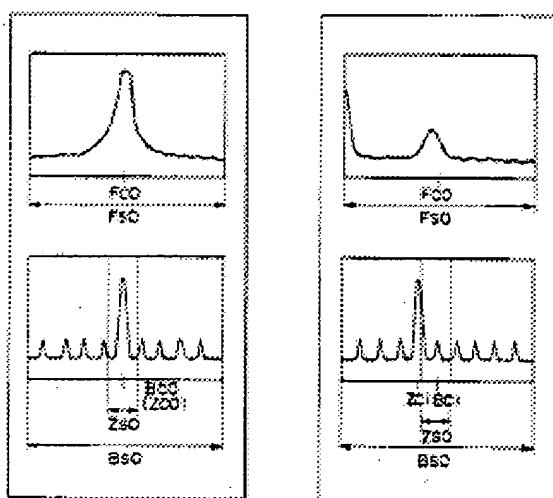


FIG. 10A

FIG. 10B

Regarding claim 5, Katayama further discloses marking a second start frequency with a second band marker (fig. 10b); marking a second stop frequency with the second band marker (fig. 10b, unit zso); and, performing a delta band function on a second bandwidth of the signal between the second start frequency and the second stop frequency along with the bandwidth of the signal between the start frequency and the stop frequency (fig. 10b, zso); Regarding claims 11, 18, Katayama further discloses displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (fig. 10b, unit zso); Regarding claims 12, 19, Katayama further

discloses displays a second band marker (fig. 10b, unit zso), the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (fig. 10b, unit zso); wherein the electronic instrument performs a delta function on the second bandwidth of the signal vis-à-vis the bandwidth of the signal between the start frequency and the stop frequency (Col. 11-12, Lines 15-62) .

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 4, 10 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama (U.S. Patent 5,075,618) in view of Agilent Technologies PSA series spectrum analyzers (May 2002).

Katayama discloses a method and system including the subject matter discussed above including the start frequency is marked with a left foot of the band marker (fig. 5a, unit zso), the left foot of the band marker being a vertical line (fig. 5a, unit zso); wherein the stop frequency is marked with a right foot of the band marker (fig. 5a, unit zso), the right foot of the band marker being a vertical line (fig. 5a, unit zso).

Art Unit: 2863.

Katayama does not disclose center of the bandwidth indicated with a diamond band marker; Agilent Technologies PSA series spectrum analyzers disclose center of the bandwidth indicated with a diamond band marker (page 38, fig. 5-2, page 42, fig. 6-2) in order to show the band clearly (fig. 6-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katayama to have the center of the bandwidth indicated with a diamond band marker taught by Agilent Technologies in order to show the band clearly (fig. 6-2).

Response to Arguments

3. Applicant's arguments with respect to the amended claims have been considered but they are not persuasive. See the examiner's position as discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

Art Unit: 2863

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). TL


MICHAEL NGHIEM
PRIMARY EXAMINER